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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,120	03/11/2004	Graeme Scott Attey	D5053-00032	8243
41396	7590	11/08/2006	EXAMINER	
DUANE MORRIS LLP			VANAMAN, FRANK BENNETT	
IP DEPARTMENT			ART UNIT	
30 SOUTH 17TH STREET			PAPER NUMBER	
PHILADELPHIA, PA 19103-4196			3618	

DATE MAILED: 11/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/799,120	ATTEY, GRAEME SCOTT
	Examiner Frank Vanaman	Art Unit 3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 September 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 30-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 30-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date. _____	6) <input type="checkbox"/> Other: _____

### **Status of Application**

1. Applicant's amendment, filed Sept 5, 2006, has been entered in the application. Claims 30-36 are pending, claims 12-19 are now canceled.

### **Specification**

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 36, newly added, recites that the board has a width which is sufficient to provide full support to a rider's feet when standing side-stance. The drawings appear to support this limitation (figure 1) however the specification as filed fails to explicitly disclose this feature.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 31-33, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhamel (US 6,035,976) in view of Andorsen et al. (US 4,033,596, cited previously). Duhamel teaches a vehicle brake for use with a skateboard (col. 1, line 6) which is understood to be ridden in a side stance position (as applicant has specified in the remarks at page 6) and to have a width sufficient to support a user's feet, the board supported by and extending between front and rear wheels (not referenced) commonly supported on wheel axles, having a braking member (17) connected to a brake means (8, 6) which is able to be contacted by a lower leg portion of a rider riding the board, the braking member being biased to a non-brake position by a spring (col. 2, lines 42-44), wherein the brake member (17) may indirectly apply a braking force to the wheels, including their respective rims (by either engaging a ground

surface, e.g., figure 5, or by providing an engagement between the brake means and a wheel, see col. 3, lines 10-12).

While Duhamel fails to explicitly teach the wheels as being supported by axles, the examiner notes that it is exceptionally well known to rotatably support wheels on axles, and it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Duhamel's wheels with supporting axles for the purpose of allowing them to rotate.

The reference to Duhamel fails to teach the member as explicitly able to be contacted with a calf of a rider. Andorsen et al. teach that it is well known to provide a braking actuator (18, 23, 24) of sufficient height to be engaged by a calf portion of a rider's leg (25/26). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the member (17) taught by Duhamel of sufficient height to be engaged by a rider's calf, as suggested by the height of the actuator member taught by Andorsen et al., for the purpose of allowing a user to get greater leverage in actuating the brake, thus allowing actuation with comparatively little force.

As regards claim 35, the combined references fail to specifically recite the use of a disk brake. Disk brakes are exceptionally well known in the occupant-propelled vehicle arts, and it would have been obvious to one of ordinary skill in the art at the time of the invention to employ a disk brake to the wheel-engaging embodiment as taught by Duhamel and modified by Andorsen, for the purpose of generating a greater braking force than may be had with a wheel-portion-engaging form of brake.

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duhamel in view of Andorsen et al. and Gates (US 5,251,934, cited previously). The references to Duhamel and Andorsen et al. are discussed above and fail to teach the provision of a brake constituting a pair of pads carried on opposed arms actuatable by a cable. Gates teaches a very well known cable braking arrangement wherein a cable (70, 60, 62) causes the operation of a first and second pair of movable arms (10, 42, 50) which engage brake pads (52) with a wheel portion to slow the wheel. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the

brake actuator taught by Gates to be actuated by the braking member taught by Duhamel (note additionally that Duhamel anticipates the use of a cable device for controlling brakes as illustrated at figure 4) as modified by Andorsen et al. for the purpose of allowing the brakes to be made using commonly available caliper-style brake components, thus reducing manufacturing costs and allowing easier field replacements.

### **Response to Comments**

6. Applicant's comments, filed with the amendment, have been carefully considered. As regards the reference to Krasnoff, the examiner notes that applicant's newly presented claims are not rejected using the reference to Krasnoff either singly or in combination. Note the reference to Duhamel, cited and applied in response to applicant's amendment. Applicant's assertion that the term side stance position is "commonly accepted to describe the standard riding position on skateboards" is noted (comments, page 6), as is Duhamel's teaching of a braking system to be used on a skateboard which is understood to be ridden as applicant has specified.

In addressing the consideration of the Information Disclosure Statement (remarks, page 5, summary item "(2)"), applicant has not addressed the redundant citations of references as requested in the previous office action (office action of March 8, 2006, page 2).

### **Conclusion**

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

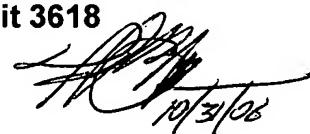
A response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

**F. VANAMAN**  
Primary Examiner  
Art Unit 3618



A handwritten signature in black ink, appearing to read "F. VANAMAN" followed by a date.